IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7685 OF 2005
WITH
CIVIL APPLICATION NO.1315 OF 2006

Ashok Ramdas Patil ..Petitioner.
Vs.
Chandan Janardhan Vartak & Ors. ..
Respondents.

...

Mr. M.A. Chaudhari instructed by Mr. P.K. Deshmukh for the Petitioner.
Mrs. M.P. Thakur, Assistant Government Pleader for the State.

....

CORAM: KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

28th April, 2006.

P.C. :

1. On the request of the learned counsel appearing for the Petitioner and the learned Assistant Government Pleader appearing for Respondent Nos.4 to 8, the main Petition is taken up for hearing. Respondent Nos.1 to 3 though served have not filed their appearance.

2. The Petitioner by way of this Petition has sought the initiation of action under Section 39 of the Bombay Village Panchayat Act, 1958. It may be noted that when the rule was issued in the Petition, the Division Bench has observed that it would be open for the Petitioner to make representation under Section 39 of the Act. The Petitioner has made a representation pursuance to the said order on 12th December, 2005 to the Chief Officer, Zilla Parishad, Alibag District, Raigad which has not been disposed of. In view of this, we direct the said officer to decide the said representation in accordance with law after affording an opportunity of hearing being granted to the Petitioner as well as the concerned Respondents 1 to 3. Since we are not deciding the Petition on merits, we are giving these directions without hearing the concerned parties.

3. The Chief Officer shall decide the representation within a period of four months from the date of receipt of a certified copy of this order. In view of this direction, the Petition as well as Civil Application No.1315 of 2006 stand disposed of.

CHIEF JUSTICE

(DR. D.Y. CHANDRACHUD, J.)